

GP.16148
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)
(Case No. 98,392)

In the Application of:

Jonathan Embleton et al.

U.S Application No.: 09/091,958

U. S. Filing Date: June 7, 1999

For: Ophthalmic Treatment



Examiner: Z. Fay

Art Unit: 1614

RECEIVED

SEP 10 1999

Asst. Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a. Information Disclosure Statement (IDS);
- b. PTO-1449 Form;
- c. Copies of Seven (7) Cited References;
- d. Postcard.

2. With respect to additional fees:

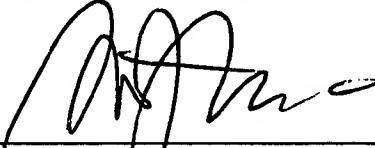
A. Attached is a check in the amount of \$240.00.

B. Charge the total additional fee to our Deposit Account No. 13-2490

3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231 on this 2nd day of September, 1999.

By :


Steven J. Sarussi
Reg. No. 92,784

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,392)

#8
AKD
9-14-99

In the Application of:

Jonathan K. Embleton, et al.

Serial No. 09/091,958

Filed: June 7, 1999

For: Ophthalmic Treatment



Before the
Examiner: Z. Fay

Art Unit: 1614

INFORMATION DISCLOSURE STATEMENT

Asst. Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

This prior art statement is filed under 37 C.F.R. §§1.97-1.98 in compliance with the duty of disclosure set forth in 37 C.F.R. §1.56. Also, enclosed is the requisite fee pursuant to 37 C.F.R. §§1.97(c) and 1.17(p), \$240.00.

In the judgment of the undersigned, the references listed on the attached Form PTO-1449 may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this statement or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. §102.

McDonnell Boehnen Hulbert & Berghoff
300 S. Wacker Drive
Chicago, Illinois 60606
(312) 913-0001

-1-

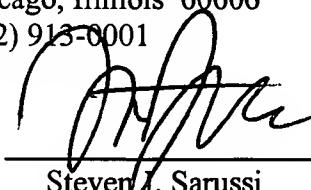
09/09/1999 MASSANI 00000089 09091958
240.00 0P
01 FC:126

1. U.S. Patent 3,934,585, issued January 27, 1976.
2. WO 96/00050, issued January 4, 1996.
3. EP 0 224 352 A1, issued June 3, 1987.
4. WO 96/06581, issued March 7, 1996.
5. Patton, Thomas et al., "Ocular Bioavailability and Systematic Loss of Topically Applied Ophthalmic Drugs", American Journal of Ophthalmology 85, 1978, pages 225 - 229.
6. Sadiq, S. A. et al., "Ophthalmic Beta Blocker", British Journal of Ophthalmology, 1996, Vol. 80, pages 532 - 535.
7. Ashim K. Mitra, "Ophthalmic Drug Delivery Systems", Marcel Dekker, Inc., School of Pharmacy and Pharmacal Sciences Purdue University, pages 8-11, page 58 pages ix and x.

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not

believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Respectfully submitted
McDONNELL BOEHNEN
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, Illinois 60606
(312) 913-0001

By: 
Steven J. Sarussi
Reg. No. 32,784

Dated: September 2, 1999

McDonnell Boehnen Hulbert & Berghoff
300 S. Wacker Drive
Chicago, Illinois 60606
(312) 913-0001